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CIVIL CASE NO. 2:12-CV-00183

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

FILED

SEP 16 2013

DAVID CREWS, CLERK
BY Deputy

TIMOTHY BANKSTON

vs.

UNITED STATES OF AMERICA

MOTION FOR RELIEF

NOW COMES, TIMOTHY BANKSTON, defendant, pro se and respectfully moves this HONORABLE COURT to reduce defendants sentence pursuant to the ruling in DORSEY v. UNITED STATES, 132 S.Ct.2312, 183 L. Ed. 2d 250 (2012). Defendant filed a appeal pursuant to 28 usc 2255 and was put on the docket 10/12/2012 Defendant moves this HONORABLE COURT to grant the reduction for failure of the government to file a objection to defendants 2255.

Dorsey held that the more lenient penalties of the FAIR SENTENCING ACT (ACT) apply to offenders who committed an offense before the ACT was passed, but were sentenced after the ACT was enacted. Because defendant was sentenced after the FAIR SENTENCING ACT was passed and did not receive the more lenient sentence in light of the Dorsey case defendant should be resentenced. Also the governments failure to respond to defendants 2255 they waive any right to object to the resentencing of defendant.

WHEREFORE, the above stated facts the defendant asks this HONORABLE COURT for relief to be granted and defendant be resentenced to the now more lenient penalties and any other relief the court deems necessary.

Done this 10 day of September, 2013

RESPECTFULLY SUBMITTED

Timothy Bankston

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